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<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/780,691	GILBERT ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Russell Frejd	2128	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment received 5 July 2007.
2. ☒ The allowed claim(s) is/are 1 and 3-21.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| <ol style="list-style-type: none"> <li>1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br/>Paper No./Mail Date _____</li> <li>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br/>of Biological Material</li> </ol> | <ol style="list-style-type: none"> <li>5. <input type="checkbox"/> Notice of Informal Patent Application</li> <li>6. <input type="checkbox"/> Interview Summary (PTO-413),<br/>Paper No./Mail Date _____</li> <li>7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment</li> <li>8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance</li> <li>9. <input type="checkbox"/> Other _____</li> </ol> |
|--|---|

*Russell Frejd*  
**RUSSELL FREJD**  
**PRIMARY EXAMINER**

In re Application of: Gilbert et al.

***Allowance of Application # 10/780,691***

1. The following communication is in response to applicant's amendment received 5-July-2007. Claims 1 and 3-21 are pending in the application. Claim 2 is canceled. This application is a CIP of 10/716,701, filed on 20-November-2003, now USP 7,077,749.

***Examiner's Amendment***

2. An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the Issue Fee. Authorization for this Examiner's Amendment was given by Ross Dannenberg (Reg. No. 49,024) on 17-August-2007.

**2.1 In the Claims:**

- |          |        |   |
|----------|--------|---|
| Claim 1  | line 1 | Change "medium storing computer" to --medium, other than a modulated data signal, storing computer--. |
|          | line 2 | Change "instructions for performing" to --instructions, which when executed perform--.                |
| Claim 8  | line 2 | Change "medium storing computer" to --medium, other than a modulated data signal, storing computer--. |
| Claim 11 | line 2 | Change "data structure identifying" to --data structure, when executed on a computer, identifies--.   |
|          | line 7 | Change "wherein upon reading the data structure" to --wherein upon a                                  |

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computer executing the data structure--.

Claim 21      line 1    Change "medium storing computer" to --medium, other than a modulated data signal, storing computer--.

                 line 4    Change "readable instructions reading" to --executable instructions by reading--.

### ***Reasons for Allowance***

3.      The following is an Examiner's Statement of Reasons for the indication of allowable subject matter.

3.1      The improvement of the present invention comprises, in various embodiments, a method of identifying weather for simulation in a computer game, comprising:

                 for each of a plurality of cells in a first two-dimensional grid, a first data field storing weather information corresponding to an area of predetermined size in a simulated geographical environment of the computer game;

                 sub-data fields each defining a different weather layer; and

                 wherein upon reading the data structure, weather based on the stored data is rendered on a display screen for presentation to a user based on the user's starting position within the computer game. This patentable distinction is included in each of the independent claims, nos. 1, 8, 11 and 21.

                 Furthermore, claims 1, 8 and 21 disclose the computer graphically depicting weather in the computer game based on a current position of the user within the grid.

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**3.2** The instant application is directed to a non-obvious improvement over the information described in the Defense Electronics article, entitled War Games at the War College on Personal Computers, which teaches simulating everything from weather and terrain to air defense and intelligence, for the purpose of closely modeling the actual conditions of war.

**3.3** The art of record, either individually or in combination, fails to teach, suggest, or render obvious the method of identifying weather for simulation in a computer game based on the user's starting position within the computer game. In view of the foregoing, the claims of the present application are found to be patentable over the prior art.

### ***Response Guidelines***

**4.** Any comments considered necessary by applicant **MUST** be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably accompany the Issue Fee. Such submissions should clearly be labeled "Comments on Statement of Reasons for Allowance".

**4.1 Any response to the Examiner in regard to this allowance should be**

**directed to:** Russell Frejd, telephone number (571) 272-3779, Monday-Friday from 0530 to 1400 ET, **or** the examiner's supervisor, Kamini Shah, telephone number (571) 272-2279. Inquires of a general nature or relating to the status of this application should be directed to the TC2100 Group Receptionist (571) 272-2100.

**mailed to:** Commissioner of Patents and Trademarks  
P.O. Box 1450, Alexandria, VA 22313-1450

**or faxed to:** (571) 273-8300

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*Hand-delivered responses should be brought to the Customer Service Window, Randolph Building, 401  
Dulany Street, Alexandria, VA, 22314.*

**Date: 16-September-2007**

/Russell Frejd/  
Primary Examiner AU 2128

**RUSSELL FREJD  
PRIMARY EXAMINER**